

Verified Correct Copy of Original 12/30/2016.

16 DEC 29 PM 2:47
FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

PROVIDENCE HEALTH & SERVICES-OREGON, an Oregon nonprofit corporation, dba Providence Portland Medical Center.

Plaintiff,

vs.

SANJANA PAHALAD MANCUSO,
personal representative of the Estate of
Rattan Kumar Pahalad, in her official and
personal capacities.

Defendant.

Case No. 16CV38474

**AFFIDAVIT OF SUSAN D.
MARMADUKE IN SUPPORT OF
MOTION FOR CHANGE OF JUDGE**

STATE OF OREGON)
County of Multnomah) ss.

I, Susan D. Marmaduke, after being duly sworn, depose and say:

1. I am one of the attorneys for plaintiff in this matter.

2. The information contained in this affidavit is of my own personal

knowledge.

3. On December 28, 2016, a Notice of Appointment of Judge was lodged in this matter assigning The Honorable Jerome E. LaBarre as a Motions judge to hear all pretrial motions (excluding Summary Judgment motions), except as further provided by order of the Presiding Judge. See Notice of Appointment of Judge, attached hereto as Exhibit 1; Register of Actions, Exhibit 2.

Page 1 – AFFIDAVIT OF SUSAN D. MARMADUKE IN SUPPORT OF MOTION
FOR CHANGE OF JUDGE

RANG LONG GARY
RUDNICK P.C.
East 10th Avenue
Suite 300
ne, OR 97401-3273
ne 541-485-0220
ax 541-686-6564

1 4. Judge LaBarre has not ruled upon any petition, demurrer, or motion in this
2 case.

3 5. On December 29, 2016, I conferred with defendant's counsel, Maret
4 Thatcher Smith. She informed me that she does not oppose this motion.

5 6. On December 29, 2016, I caused to be hand delivered to Judge LaBarre's
6 chambers a copy of this motion and supporting affidavit.

7 7. I believe that Plaintiff Providence Health & Services-Oregon cannot have
8 a fair and impartial trial or hearing before Judge LaBarre.

9 8. This affidavit is made in good faith and not for the purpose of delay.

10 DATED this 29th day of December, 2016.

11 Susan Marmaduke
12 Susan D. Marmaduke

13 SUBSCRIBED AND SWORN to before me this 29th day of December, 2016.



18 Deborah Boersma
19 Notary Public for Oregon

20 21 22 23 24 25 26
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FOR CHANGE OF JUDGE

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
1021 SW 4TH AVENUE, PORTLAND, OR 97204
503.988.3022, Option 3

December 28, 2016

ARDEN J OLSON
HARRANG LONG GARY RUDNICK PC
360 E 10TH AVE STE 300
EUGENE OR 97401

Re: Providence Health & Services-Oregon vs Sanjana Pahalad Mancuso
Case #: 16CV38474 Contract

NOTICE OF APPOINTMENT OF JUDGE

As provided by the court's rules and policy, the Court finds this case has progressed to a point in its process where it is appropriate to appoint a judge.

Judge Jerome E LaBarre has been appointed as a Motions judge or as the Foreclosure Panel judge if this is a Foreclosure case as noted above.

If the judge named above is assigned as a motions judge, the case is assigned to that judge to hear all pretrial motions (excluding Summary Judgment motions), except as further provided by order of the Presiding Judge.

The moving party shall contact the motion judge's chambers to schedule a hearing for any pending motions. The moving party must provide to all parties notice of the time, date, and location set for the hearing, and the name of the judge who will hear the motion. Notice to the parties may be by any means of communication to which the parties mutually have agreed. If there is no agreement as to the means for giving notice, then notice must be given in writing and delivered to each party.

If the judge named above is assigned as a Foreclosure Panel judge, the case is assigned to that judge for all matters.

For additional information regarding judge assignment, please review the Supplemental Local Rule by visiting the court website at:

http://courts.oregon.gov/Multnomah/Rules_and_Fees/Court_Rules/Pages/Court_Rules.aspx

Exhibit 1
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Exhibit 9
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<https://publicaccess.courts.oregon.gov/PublicAccessLogin/CaseDetail.aspx>

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REGISTER OF ACTIONS

CASE No. 16CV38474

Providence Health & Services-Oregon vs Sanjana Pahalad Mancuso

§
§
§
§
§

Case Type: Contract
Date Filed: 11/18/2016
Location: Multnomah

Verified Copy of Original 12/30/2016

PARTY INFORMATION

Defendant	Mancuso, Sanjana Pahalad <i>On Behalf Of</i> the Estate of Rattan Kumar Pahalad	Attorneys Maret Thatcher Smith Retained 971 284-7129(W)
Plaintiff	Providence Health & Services-Oregon <i>Doing Business As</i> Providence Portland Medical Center	ARDEN J OLSON Retained 541 485-0220(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS			
11/18/2016 Complaint <i>Breach of Contract; NOT SUBJECT TO MANDATORY ARBITRATION</i> Created: 11/18/2016 10:18 AM			
11/18/2016 Service Mancuso, Sanjana Pahalad Served Created: 11/18/2016 10:18 AM 11/29/2016 Returned 11/30/2016			
11/30/2016 Proof - Service Created: 11/30/2016 11:41 AM			
12/19/2016 Answer Created: 12/19/2016 3:47 PM			
12/19/2016 Motion - Dismissal <i>of plaintiff's 2nd claim for relief</i> Created: 12/20/2016 10:35 AM			
12/28/2016 Order (Judicial Officer: Waller, Nan G) <i>APPOINTING JUDGE LaBarre as Motions Judge</i> Signed: 12/28/2016 Created: 12/28/2016 2:32 PM			
12/28/2016 Notice <i>APPOINTMENT OF JUDGE</i> Created: 12/28/2016 2:54 PM			

FINANCIAL INFORMATION

Defendant Mancuso, Sanjana Pahalad			783.00
Total Financial Assessment			531.00
Total Payments and Credits			252.00
Balance Due as of 12/29/2016			
12/19/2016 Transaction Assessment			252.00
12/19/2016 xWeb Accessed eFile	Receipt # 2016-2872592	Mancuso, Sanjana Pahalad	(252.00)
12/20/2016 Transaction Assessment			531.00
12/20/2016 Counter Payment	Receipt # 2016-2877682	Thatcher; Smith; Maret	(279.00)
Plaintiff Providence Health & Services-Oregon			531.00
Total Financial Assessment			531.00
Total Payments and Credits			0.00
Balance Due as of 12/29/2016			
11/18/2016 Transaction Assessment			531.00
11/18/2016 xWeb Accessed eFile	Receipt # 2016-2794085	Providence Health & Services-Oregon	(531.00)

Exhibit 2
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12/29/2016 10:14 AM

Exhibit 9
Page 4 of 5

Verified Correct Copy of Original 12/30/2016.

CERTIFICATE OF SERVICE

I certify that on December 29, 2016, I served or caused to be served a true and complete copy of the foregoing **AFFIDAVIT OF SUSAN D. MARMADUKE IN SUPPORT OF MOTION FOR CHANGE OF JUDGE** on the party or parties listed below as follows:

- Via the Court's Efilng System
- Via First Class Mail, Postage Prepaid
- Via Email
- Via Personal Delivery

Maret Thatcher Smith
Thatcher Smith Law
107 SE Washington St. Ste 255
Portland, OR 97214

Of Attorneys for Defendant

I further certify that on December 29, 2016, I caused a true and correct copy of this proposed **AFFIDAVIT OF SUSAN D. MARMADUKE IN SUPPORT OF MOTION FOR CHANGE OF JUDGE** to be served by hand delivery to The Honorable Jerome LaBarre's chambers.

HARRANG LONG GARY RUDNICK P.C.

By: Susan Marmaduke
Susan D. Marmaduke, OSB 841458
Telephone: 541-485-0220
Facsimile: 541-686-6564
Of Attorneys for Plaintiff

P0676038 v1

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FOR CHANGE OF JUDGE

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